

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS  
DECEMBER 21, 2015**

**1. MEETING CALLED TO ORDER**

Chairwoman Mary Scherling called the meeting to order at 3:30 PM with all members present as follows: Ken Pawluk, Rick Steen, Arland H. Rasmussen, Chad M. Peterson and Mary Scherling.

**2. PLEDGE OF ALLEGIANCE**

Heather Worden led the Pledge of Allegiance.

**3. MINUTES APPROVED**

***MOTION, passed***

**Mr. Steen moved and Mr. Rasmussen seconded that the minutes of the previous meeting be approved as written. Motion carried.**

**4. AGENDA, Order approved**

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to approve the order of the agenda. Motion carried.**

**5. CONSENT AGENDA APPROVED**

***MOTION, passed***

**Mr. Peterson moved and Mr. Steen seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.**

- a. Authorize the county auditor to transfer funds from the Emergency and Flood Mitigation Fund to the Flood Buyout Fund for home buyout expenses.
- b. Approve the checking account transactions for property purchases in November 2015 for the FEMA Flood Buyout grant program.
- c. Receive financial statement from the Auditor's Office for the month ended November 30, 2015.
- d. Approve omitted assessments according to notices sent by the county auditor to property owners.
- e. Approve a bingo and raffle permit for Cass County 4-H to be held March 20, 2016, at the Hartl Ag Building, Red River Valley Fairgrounds in West Fargo, North Dakota; and approve a bingo and raffle permit for Maple Sheyenne Lutheran Church to be held January 9, 2016, at Maple Sheyenne Lutheran Church in Harwood, North Dakota.
- f. Approve a special event permit for The Red Baron Lounge to serve alcoholic beverages on January 23, 2016, between the hours of 4:00 PM to 12:00 AM for the Cass County Wildlife Club annual game and feed fundraiser at the Red River Valley Fairgrounds in West Fargo, North Dakota; and approve a special event permit for Barbacoa to serve alcoholic beverages on January 30, 2016, between the hours of 4:00 PM to 1:00 AM for the annual Mustang Roundup fundraiser at the Red River Valley Fairgrounds in West Fargo, North Dakota.
- g. Authorize the chairwoman and county auditor to sign a county deed for the purchase of a tax-forfeited property located in Howes Township.
- h. Authorize the chairwoman to sign a purchase order with Nelson Auto Center in the amount of \$25,076 for a GMC Sierra 1500 pickup for Buildings and Grounds; purchase order with Nelson Auto in the amount of \$32,768.76 for a GMC 3500 pickup for the Highway Department; purchase order with American Welding & Gas of West Fargo in the amount of \$6,196.72 for a wire welder; and purchase order with Bert's Truck Equipment in the amount of \$207,206 for truck equipment for the Highway Department.

- i. Authorize the county auditor to make the necessary budget adjustments as outlined and transfer funds from the Emergency and Flood Mitigation Fund to close out Flood Fund 243 and Flood Mitigation Fund 216 in the amount of \$1,274,512.84.
- j. Authorize the City of Horace to list Cass County as project sponsor on a grant application for a proposed shared use path for Transportation Alternatives Program (TAP) funding through the North Dakota Department of Transportation.
- k. Ratify the action of the Building Committee from December 21, 2015, and award general, mechanical and electrical contracts for Cass County Law Enforcement Center renovations.
- l. Contract approval
  - Farmland Services—contract to conduct field work assessments in cities and townships (costs to be billed back to entities);
  - Blue Cross Blue Shield—Attachment A schedule for 2016 employee health and dental insurance coverage;
  - Blue Cross Blue Shield—services agreement to participate in the “Healthy Blue” wellness program;
  - Family HealthCare—services agreement to provide ongoing medical care for jail inmates including provisions for access to electronic medical records;
  - Sungard Public Sector—software upgrade license for Cognos Business Intelligence to create custom accounting reports from the general ledger and payroll systems;
  - Microsoft Enterprise Licensing—renewal of agreement for products and server software licenses;
  - Associated Financial Group—renewal of agreement for human resources and health insurance consulting services.

**6. CORONER, Budget amended to change part-time deputy coroner to full-time position**

Dr. John Baird, Cass County Coroner, discussed a request to change one of the deputy coroners from three-quarters to full-time. The person recently resigned to move with her family out of state. He said in November 2013 the county approved to change the two contracted deputy coroners to county employees with one position working full-time during the day and one working three-quarters time during the evening/overnight hours. He said additional office coverage is needed during the day to help with caseloads and deal with law enforcement officials and public that visit the office.

Keith Berndt, County Administrator, said the deputy coroner requires a unique skill set that may be difficult to find and it may be easier to recruit for a full-time position with full benefits.

Mr. Pawluk asked about the need for additional staff coverage during the day. Dr. Baird said their hours will overlap because both deputy coroners need to be involved with the day-to-day activities and be equally involved with all of the cases.

***MOTION, passed***

**Mr. Steen moved and Mr. Rasmussen seconded to amend the County Coroner budget for 2016 by \$17,710 to accommodate the hiring of a full-time deputy coroner from a three-quarter position. Discussion: Mr. Peterson asked if Dr. Baird would be averse to changing the position back to three-quarters if the situation changes. Dr. Baird would not object, however he does not foresee that happening. Mrs. Scherling asked if the shifts will be staggered between the two deputy coroners. Dr. Baird said one to two hours will overlap during the day. On roll call vote, the motion carried unanimously.**

7. **CORONER, Death investigator services agreement approved**

Last year the commission approved an agreement with Darin Haverland to provide part-time investigator services to cover weekends for the Coroner's Office. Dr. Baird said the arrangement has worked well, and he is requesting the agreement be renewed for 2016. The agreement for next year is unchanged with the cost for services remaining the same.

***MOTION, passed***

**Mr. Rasmussen moved and Mr. Steen seconded to authorize the chairwoman to sign the agreement with Darin Haverland to provide contracted death investigator services to assist the County Coroner's Office. On roll call vote, the motion carried unanimously.**

8. **ROAD DEPARTMENT, Updated utility and drainage permits and fees approved**

Jason Benson, County Engineer, said earlier this year the county's access ordinance was updated, and a new access permit was approved. His office has worked to standardize the access, utility, and drainage permits to include adequate space to describe the project in an easier format; inspection and final acceptance by Highway Department staff; and consistency with North Dakota Department of Transportation permits.

Mr. Benson said the new drainage permit forms provide guidance on drain tile outlets into the county right-of-way and formalize the process for ditch lowering. The form has been reviewed and approved by the water resource boards. He said currently the county does not charge a fee for the permits, and he is recommending a \$50 fee be implemented.

Mr. Peterson believes a \$50 fee is punitive and not worth assessing. He believes the fee should be higher.

Mr. Pawluk asked about penalties for non-compliance. Mr. Benson said in those instances, staff will send a letter to the person asking for a permit to be completed along with the fee, and a letter would be sent if the work does not meet the standards required by the county.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Rasmussen seconded to approve updated utility and drainage permits with a \$50 fee for each permit. On roll call vote, the motion carried with Mr. Pawluk, Mr. Rasmussen, Mr. Steen and Mrs. Scherling voting "Yes"; Mr. Peterson voting "No".**

9. **ROAD DEPARTMENT, Joint Powers Agreement for Highway 10 drainage improvement project approved**

Mr. Benson said the Southeast Cass Water Resource District (WRD) was contacted by landowners about a drainage improvement project at the intersection of Highway 10 and 12<sup>th</sup> Avenue/26<sup>th</sup> Street about ½ mile west of the West Fargo lagoons. Drainage issues have been an issue in this area for some time. He is recommending Cass County enter into a Joint Powers Agreement with Southeast Cass WRD and West Fargo. The cost to the county would be around \$25,000 to construct the ditch from Highway 10 south to the Sheyenne Diversion. The project will help water to drain faster and more efficiently which will also benefit the road. Future maintenance will be assessed to homeowners.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to authorize the chairwoman to sign the Joint Powers Agreement (JPA) with Southeast Cass Water Resource District and the City of West Fargo for Highway 10/12<sup>th</sup> Avenue and 26<sup>th</sup> Street drainage improvement project. On roll call vote, the motion carried unanimously.**

**10. SHERIFF'S OFFICE, Request to reclassify positions in Corrections Division approved**

Sheriff Paul D. Laney is requesting to restructure the command element at the Cass County Jail to provide more efficient management and streamline the chain of command. The proposal would transfer duties of one existing Jail Sergeant to Court Transport with one Sergeant focusing on inmate transportation and one focusing on Courthouse security and courtroom coordination. The proposal also includes reclassification of one existing Jail Sergeant to a Lieutenant and reclassification of four existing Corporals to Sergeant. The restructuring will place a command Sergeant on each of the jail teams with the Lieutenant supervising the Sergeants. He said the associated cost is around \$25,000; however, the salary budget will not be impacted because of existing and anticipated vacancies throughout the division next year.

***MOTION, passed***

**Mr. Rasmussen moved and Mr. Pawluk seconded to reclassify one existing Sergeant (C43) position within the Corrections Division to a Lieutenant (D51) and reclassify four existing Corporal (C41) positions to Sergeant (C43). On roll call vote, the motion carried unanimously.**

**11. ELECTION PRECINCT BOUNDARIES AND POLL LOCATIONS, Approved for 2016**

Michael Montplaisir, County Auditor, said state law requires the county to set precinct boundaries and poll locations before December 31<sup>st</sup>. He said one change in precinct boundaries is being proposed in District 16 due to the rapid growth in the area over the last few years. The change would divide one precinct into two locations to manage the number of voters in the southern portion of the district. He said the only other change is to move the poll site at the Veteran's Memorial Arena to the Cambria Suites due to parking concerns at the arena.

***MOTION, passed***

**Mr. Steen moved and Mr. Peterson seconded to approve the precinct boundaries and polling locations for Legislative Districts 11, 13, 16, 20, 21, 22, 24, 25, 27, 41, 44, 45 and 46 as outlined by the County Auditor. On roll call vote, the motion carried unanimously.**

**12. FLOOD DIVERSION, Budget for FY2016 approved**

Keith Berndt, County Administrator, said the Limited Joint Powers Agreement for the FM Diversion Authority requires the annual budget to be approved by all six member entities each year. The 2016 budget totals \$237.5 million with \$150 million eligible for State Water Commission reimbursement.

Mr. Montplaisir said sales tax revenue increased by 5.7% from last year. Cass County and Fargo City have about \$50 million on hand and anticipate generating another \$25 million next year. He said staff will be looking to finance bonds for another \$50 to \$100 million for anticipated costs in 2016.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to approve the proposed Fiscal Year 2016 budget for the Diversion Authority. On roll call vote, the motion carried unanimously.**

**13. BOARD APPOINTMENTS, Amend Commission Policy Section 4.00 and 14.01**

Mrs. Scherling said vacancies exist on the Social Services Board, Fargo City Planning and Zoning from the extraterritorial area and Southeast Human Services Board. She asked commissioners to think of possible applicants in order to fill the vacancies on the boards.

***MOTION, passed***

**Mr. Pawluk moved and Mr. Peterson seconded to amend Commission Policy Manual Section 4.00, Advisory Boards and Section 14.01, Standing Committees with 2015 appointments as follows: On roll call vote, the motion carried unanimously.**

Social Services Board

(3 year terms)

Brian Hagen, West Fargo

County Park Board

(3 year terms)

Brandy Pyle, Casselton

Mark Robinson, Casselton

Cass County Planning Commission

(1 year terms)

Rick Steen – Cass County

Melissa Sobolik – City of Fargo

Mark Wentz – City of West Fargo

David Gust – Township Officers' Association

(4 year terms)

Kevin Fisher, Fargo

School Reorganization Committee

(3 year terms)

Comm. District #2 – Rick Steen, Fargo

Comm. District #3 – Larry Wild, Fargo

Southeast Human Services Board

(2 year terms)

Sheree Spear, Fargo

Special Assessment Commission

(6 year terms)

Jacob Gust, Fargo

Cass County Vector Control District #6

(5 year terms)

Clay Whittlesey, Fargo

Maple River Water Resource District

(3 year terms)

Rodger Olson, Leonard

Southeast Cass Water Resource District

(3 year terms)

Lance Yohe, Fargo

Rush River Water Resource District

(3 year terms)

Jacob Gust, Fargo

North Cass Water Resource District

(3 year terms)

Robert Thompson, Page

Personnel Overview Committee

All five county commissioners

Keith Berndt

Chip Ammerman

Birch Burdick

Jason Benson

Paul Laney

Michael Montplaisir

Employee members—1 year terms ending December 31, 2016

Gail Wischmann

Brad Hassler

Lindsey Sorenson

**14. VOUCHERS, Approved*****MOTION, passed*****Mr. Peterson moved and Mr. Rasmussen seconded to approve Voucher No. 290,053 through Voucher No. 290,383. On roll call vote, the motion carried unanimously.****15. MEETING UPDATES; FLOOD ACCOUNTS CLOSED OUT; FLOOD DIVERSION LEGISLATION, Committee reports**

Commissioners and staff reported on meetings they have attended in the last few weeks.

Mr. Montplaisir said with the budget adjustments approved by the board earlier in the meeting, the flood accounts for 2009, 2010, 2011 and 2013 will be closed out. He said the FEMA home buyout fund has also been closed out.

Mr. Berndt said Senator John Hoeven, Senator Heidi Heitkamp and other Congressional members from Minnesota and North Dakota will be hosting a roundtable discussion on Tuesday, December 22<sup>nd</sup>. Information will be provided regarding the year-end funding bill passed in Washington that provides authorization and funding for new construction starts for flood protection projects like the FM Diversion.

**16. ADJOURNMENT*****MOTION, passed*****On motion by Mr. Peterson, seconded by Mr. Pawluk and all in favor, the meeting was adjourned at 4:36 PM.**

ATTEST:

APPROVED:

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Michael Montplaisir – Auditor  
Cass County, North Dakota

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Mary Scherling, Chairwoman  
Cass County Board of Commissioners